Case 3:10-cr-00547-CRB_Document 293_Filed 11/09/11 Page 1 of 16 UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

Case No: <u>CR-10-0547CRB</u> Case Name: <u>UNITED STATES OF AMERICA</u> v .<u>SAMUEL COHEN</u>

EXHIBIT and WITNESS LIST

JUD CHA		R. BREYER			PLAINTIFF ATTORNEY: Hallie Mitchell/Doug Spraque	DEFENSE ATTORNEY: Gary Lincenberg/Benjamin Lichtman	
	AL DAber 13,				REPORTER(S): Katherine Sullivan	CLERK: Barbara Espinoza	
PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION		BY
					9:40a. Case called, all parties p	resent	
					10:00a. 70 prospective jurors sw	orn and seated.	
					10:33a. General voir dire begins		
					12:00p. Court recesses		
					12:40p. Court reconvenes, gover	rnment begins voir dire	
					1:04p. Government concludes voir dire	voir dire, defendant begins	
					1:42p. Defendant concludes vo voir dire	ir dire; government resumes	
					1:43p. Government concludes	voir dire	
					1:44p. Court recesses		
					2:10p. Court reconvenes		
					2:13p. Jurors excused for cause		
					2:17p. Twelve (12) jurors swor	n and seated	
					2:40p. Four (4) alternate jurors excused.	sworn and seated all other are	
					3:00p. Jurors excused until 8:30	0 a.m. on 10/17/2011	
		10/17/2011			10/7	17/2011	
					8:30a. Court reconvenes		
					8:38a. Government begins open	ning statements	
					8:56a. Government concludes opening	opening, defendant begins	
					9:39a. Defendant concludes op	pening, Court instructs the jury	
					9:45a. Witness Gina Warren ca	alled. Witness id's defendant	G

		- Case 3:10	cr 00	547 C	9:55p. Government concludes direct examination; defendant begins cross	
					10:05a. Defendant concludes cross, witness excused.	
					10:07a. Jury recesses	
					10:25a. Court reconvenes; witness <i>John Taylor</i> called	G
40, 4	1, 173		~	~	10:33a. Exhibits	G
					10:53a. Government concludes direct examination; defendant begins cross	
	501		~	~	11:03a. Exhibit	D
	502		~	~	11:08a. Exhibit	D
	38		~	~	11:10a. Exhibit	D
	39		~	~	11:14a. Exhibit	D
	508		~		11:25a. Exhibit	D
	509		~		11:35a. Exhibit	D
	516		~	~	11:43a. Exhibit	D
	517		~	~	11:44a. Exhibit	D
	519		~	~	11:45a. Exhibit	D
					11:51a. Defendant concludes cross; government redirects	
					12:03p. Government concludes redirect; defendant redirects	
					12:06p. Defendant concludes redirect, jury recesses	
					1:20p. Court reconvenes. <i>Lorraine Bordegaray</i> called	G
59			~	~	1:25p. Exhibit	G
186			~		1:28p. Exhibit	G
240			~		1:31p. Exhibit	G
					1:34p. Government concludes direct examination, defendant begins cross	
					1:37p. Defendant concludes cross, witness excused. <i>Christopher Shaw</i> called	G
					1:44p. Government concludes direct examination, defendant begins cross	
	700		~	~	1:47p. Exhibit	D
	701		~	~	1:48p. Exhibit . Defendant concludes cross, witness excused	D
					Witness Michael Farrell called	G
187			~	~	2:03p. Exhibit	G

		Case 3:10			CRB Document 293 Filed 11/09/11 Page 3 of 16	I
183			~	~	2:17p. Exhibit	G
184			~	~	2:28p. Exhibit	G
					2:40p. Government concludes direct examination. Recess	
-					2:55p. Court reconvenes	
					3:00p. Defendant begins cross	
	702		~	•	3:17p. Exhibit	D
					3:20p. Defendant concludes cross, witness excused. Witness <i>ROBBIE VANN-ADIBE</i> called	G
238			~	~	3:26p. Exhibit	G
					3:41p. Government concludes direct examination, defendant begins cross	
	518		~	~	3:43p. Exhibit	D
	182		~	~	3:51p. Exhibit	D
					4:01p. Jury recesses until 10/18/2011 @ 9:30 a.m.	
		10/18/2011			10/18/2011	
					9:35a. Court reconvenes, witness <i>ROBBIN VANN-ADIBE</i> resumes the witness stand	
	503		~	~	9:46a. Exhibit	D
	504		~	~	9:48a. Exhibit	D
	505		~	~	9:53a. Exhibit	D
	506		~		9:55a. Exhibit	D
	508		~		10:08a. Exhibit	D
	509		~		10:12a. Exhibit	D
	512		~		10:18a. Exhibit	D
	513		~		10:25a. Exhibit	D
					10:28a. Defendant concludes cross, government redirects	
					10:30a. Government concludes redirect, witness excused. Recess	
					10:40a. Court recesses	
					10:45a. Court reconvenes, witness <i>SAM MILLS</i> called	G
250			~	~	11:08a. Exhibit	G
113			~		Exhibit	G
					11:51a. Government concludes direct examination, recess	
					1:00p. Court reconvenes outside the presence of the jury	

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				1:05p. Jury enters courtroom, defendant begins cross	-
113		~		1:28p. Exhibit	D
670		~	~	1:42p. Exhibit	D
685		~		1:55p. Exhibit	D
608		~		2:08p. Exhibit	D
671		~	~	2:14p. Exhibit	D
672		~	~	2:21p. Exhibit	D
				2:26p. Jury recesses, court proceeds outside the presence of the jury re exh 608	
				2:36p. Court recesses	
				2:45p. Court reconvenes	
703, 611- 6	514	~		2:54p. Exhibits	D
703			~	2:55p. Exhibit	D
611			~	2:57p. Exhibit	D
612			~	3:01p. Exhibit	D
613			~	3:03p. Exhibit	D
614			~	3:05p. Exhibit	D
674		•	~	3:08p. Exhibit	D
675		~	~	3:11p. Exhibit	D
621		~	~	3:14p. Exhibit	D
622, 624, 6	28, 625	~		3:15p. Exhibit	D
624			~	3:17p. Exhibit	D
622			~	Exhibit	D
628			~	3:19p. Exhibit	D
625			~	3:20p. Exhibit	D
637, 639		~	~	3:24p. Exhibits	D
640 - 645		~	~	3:32p. Exhibits	D
646		~	~	3:34p. Exhibit	D
677		~	~	3:36p. Exhibit	D
648, 649		~		3:42p. Exhibit	D
649			~	3:44p. Exhibit	D
648			~	3:46p. Exhibit	D
654, 655		~	~	3:47p. Exhibits	D

		Case 3:10			CRB Document 293 Filed 11/09/11 Page 5 of 16	
662			~	/	3:48p. Exhibit	D
663,	666, 667	7	~	~	3:49p. Exhibits	D
	678		~	/	3:59p. Exhibits	D
1	680		~	~	4:02p. Exhibit	D
					Jury recesses until 10/19/2011 @ 8:30 a.m.	
		10/19/2011			10/19/2011	
					8:35a. Court reconvenes outside the presence of the jury	
					8:50a. Jury enters courtroom, <i>SAM MILLS</i> resumes the witness stand	
	681		~	~	8:58a. Exhibit	D
	682		~	~	9:01a. Exhibit	D
	683		~	~	9:05a. Exhibit	D
	704		~	~	9:07a. Exhibit	D
					9:09a. Defendant concludes cross, government redirects	
					9:55a. Government concludes redirect, defendant redirects cross	
					10:11a. Defendant concludes redirect, witness excused. Recess	
249			~	/	10:35a. Court reconvenes - Exhibit (stipulations)	G
					10:38a. Witness <i>HARI DILLON</i> called	G
180			~	~	10:50a. Exhibit	G
181			~	~	10:51a. Exhibit	G
42			~	~	11:03a. Exhibit	G
43			~	~	11:09a. Exhibit	G
47			~	~	11:15a. Exhibit	G
25, 20	6, 27, 27	7A	~	~	11:25a. Exhibit	G
48			~	~	11:35a. Exhibit	G
49			~	~	11:38a. Exhibit	G
50			~	~	11:39a. Exhibit	G
51			~	~	Exhibit	G
52			~	~	11:41a. Exhibit	G
57			~	~	11:44a. Exhibit	G
192			~	~	11:45a. Exhibit	G
61			/	/	11:55a. Exhibit	G

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60, 153		•	•	11:58a. Exhibit	G
				12:00p. Recess	
				12:23p. Court reconvenes	
62		~	~	12:24p. Exhibit	G
193		~	~	12:25p. Exhibit	G
64		~	~	12:27p. Exhibit	G
56		~	~	12:29p. Exhibit	G
195		~	~	12:32p. Exhibit	G
66		~	~	12:34p. Exhibit	G
196		~	~	12:37p. Exhibit	G
69		~	~	12:39p. Exhibit	G
70		~	~	12:40p. Exhibit	G
71		~	~	12:41p. Exhibit	G
72		~	~	Exhibit	G
73		~	~	Exhibit	G
198		~	~	12:48p. Exhibit	G
75		~	~	12:50p. Exhibit	G
199		~	~	12:53p. Exhibit	G
79		~	~	12:56p. Exhibit	G
80		~	~	12:58p. Exhibit	G
81		~	~	1:00p. Exhibit	G
82		~	~	1:02p. Exhibit	G
202		~		Exhibit (stricken)	
251		~	~	1:14p. Exhibit	G
203		~	~	1:18p. Exhibit	G
112		~	~	1:21p. Exhibit	G
204		~	~	1:25p. Exhibit	G
				1:31p. Court recesses until 10/20/2011 @ 9:30 a.m.	
	10/20/2011			10/20/2011	
				9:35a. Court reconvenes, witness <i>HARI DILLON</i> resumes the witness stand	
86		~	~	9:39a. Exhibit	G

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88		>	/	9:41a. Exhibit	G
89		>	~	9:43a. Exhibit	G
91		~	1	9:44a. Exhibit	G
93		/	~	9:46a. Exhibit	G
232		/	~	9:49a. Exhibit	G
94		~	~	9:52a. Exhibit	G
95		>	~	9:54a. Exhibit	G
97		/	~	9:55a. Exhibit	G
169		>	/	9:57a. Exhibit	G
98		>	✓	9:59a. Exhibit	G
100 - 105		>	/	10:01a. Exhibit	G
106 - 115		>	>	10:23a. Exhibit	G
116		>	/	10:43a. Exhibit	G
169		>	/	9:57a. Exhibit	G
169		>	/	9:57a. Exhibit	G
169		>	/	9:57a. Exhibit	G
169		>	>	9:57a. Exhibit	G
205		>	/	10:45a. Exhibit, recess	G
				11:05a. Court reconvenes	
252, 206, 207, 20 213, 118, 119, 12		/	<	11:08a. Exhibits	G
215 - 219		~	~	11:45a. Exhibits	G
128		~	~	11:56a. Exhibit	G
				12:00p. Court recesses	
				1:05p. Court reconvenes outside the presence of the jury re to admonishing an observer	
				1:15p. Jury enters courtroom	
221		~	~	1:16p. Exhibit	G
222		~	~	1:17p. Exhibit	G
129		/	~	1:19p. Exhibit	G
223		>	~	1:20p. Exhibit	G
132		/	~	1:22p. Exhibit	G
133		>	✓	1:23p. Exhibit	G

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226			'	~	1:41p. Exhibit	G
138			•	•	1:45p. Exhibit	G
141			/	~	1:46p. Exhibit	G
142			~	~	1:47p. Exhibit	G
143			~	~	1:48p. Exhibit	G
144			~	~	1:49p. Exhibit	G
227			~	~	1:55p. Exhibit	G
146 -	152		'	~	1:57p. Exhibit	G
					2:15p. Government concludes direct examination, recess	
					2:30p. Court reconvenes, defendant begins cross	
	77		'	'	2:42p. Exhibit	D
	582		/	~	3:09p. Exhibit	D
	579		'		3:16p. Exhibit	D
	44		~	~	3:29p. Exhibit	D
	131		/	~	3:35p. Exhibit	D
	135		~	~	3:36p. Exhibit	D
	139		~	~	3:37p. Exhibit	D
	521		~	~	3:39p. Exhibit	D
					4:00p. Jury recesses, court proceeds outside the presence of the jury	
					4:15p. Court recesses until 10/24/2011 @ 8:30 a.m.	
		10/24/2011			10/24/2011	
					8:30a. Court reconvenes, witness <i>HARI DILLON</i> resumes the witness stand	
	523		'		8:43a. Exhibit	D
	524		✓		8:46a. Exhibit	D
	526		~	~	9:00a. Exhibit	D
	527		~	~	9:05a. Exhibit	D
	528		~	~	9:12a. Exhibit	D
	529		~	~	9:25a. Exhibit	D
	531		~		9:33a. Exhibit	D
					9:34a. Jury recesses, court proceeds outside the presence of the jury	

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					9:58a. Court reconvenes	
531A	Λ		~	~	10:00a. Exhibit	D
532A	Λ		~	~	10:10a. Exhibit	D
537A	Λ		~	~	10:17a. Exhibit	D
	538		~	~	10:26a. Exhibit (subject to mtn to strike)	D
	595		~	~	10:32a. Exhibit	D
	710		~	~	10:38a. Exhibit	D
	711		~	~	10:47a. Exhibit	D
	712		~	~	10:55a. Exhibit	D
	188		~	~	11:42a. Exhibit	D
					11:48a. Jury recesses	
					12:13p. Court recesses	
					1:05p. Court reconvenes	
	594		~	~	1:20p. Exhibit (admitted as another #)	D
	598		~	~	1:25p. Exhibit	D
	608		~	~	admitted on 10/18 outside the presence of the jury	D
	609		~	~	Exhibit	D
599,	600		~		1:37p. Exhibit	D
599,	600			~	1:39p. Exhibit	D
	610		~	~	1:42p. Exhibit	D
	714		~	~	Exhibit	D
	715		~	~	1:48p. Exhibit	D
	617		~	~	1:51p. Exhibit	D
	618		~	~	Exhibit	D
	619		~	~	Exhibit	D
	620		~	~	Exhibit	D
	623		~	~	Exhibit	D
	627		~	~	1:55p. Exhibit	D
	630		~	~	1:57p. Exhibit	D
	631		~	~	Exhibit	D
	632		~	~	Exhibit	D
	633		~	~	Exhibit	D

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	605		/	2:00p. Exhibit	D
	634	~	'	2:01p. Exhibit	D
	635	~	~	Exhibit	D
	636	~	~	2:02p. Exhibit	D
	647	~	/	Exhibit	D
650,	651	~	~	Exhibits	D
	652	~	~	Exhibit	D
	653	~	✓	2:04p. Exhibit	D
	656	~	✓	Exhibit	D
	657	~	>	Exhibit	D
	658	~	>	Exhibit	D
	659	~	/	Exhibit	D
	660	~	~	Exhibit	D
	664	~	~	2:05p. Exhibit	D
	665	V	~	Exhibit	D
	668	V	~	2:07p. Exhibit	D
	669	V	~	Exhibit	D
	661	V	~	2:08p. Exhibit	D
705,	706, 707	V		2:12p. Exhibits	D
	705		~	Exhibit	D
	706		~	2:14p. Exhibit	D
	707		~	2:15p. Exhibit , defendant concludes cross, recess	D
				2:30p. Court reconvenes, government begins redirect	
204A		~	~	2:52p. Exhibit	G
204B		~	~	2:53p. Exhibit	G
204C		V	~	2:56p. Exhibit	G
255		V	~	3:14p. Exhibit	G
256		V	~	3:16p. Exhibit	G
				3:27p. Government concludes redirect, defendant redirects cross. Witness excused, witness <i>SUSANNA MOORE</i> called	G
28		~	✓	3:36p. Exhibit	G
167		~	✓	3:40p. Exhibit	G
				3:58p. Recess until 10/25/2011 @ 9:30 a.m.	

	Case 3:10 10/25/2011	er 00	547 C	RB Document 293 Filed 11/09/11 Page 11 of 16	
				-	ļ
				9:30a. Court reconvenes, <i>SUSANNA MOORE</i> resumes the witness stand	
28A		~		9:40a. Exhibit	G
				9:49a. Government concludes direct examination, defendant begins cross	
				10:27a. Defendant concludes cross, government begins redirect	
				10:31a. Government concludes redirect, witness excused. Witness <i>MARY MILLS</i> called	G
253		~	~	11:00a. Exhibit	G
				11:13a. Government concludes direct examination, recess	
				11:34a. Defendant begins cross	
				12:18p. Defendant concludes cross, government redirects	
				12:28p. Government concludes redirect, defendant redirects cross	
				12:29p. Defendant concludes redirect, witness excused	
				12:31p. Court recesses	
				1:30p. Court reconvenes, witness <i>JANE SEGAL</i> called	G
254, 254A		~		1:55p. Exhibit	G
				1:59p. Government concludes direct examination, defendant begins cross	
220		~		2:20p. Exhibit	D
				2:26p. Defendant concludes cross, witness excused. Recess	
				2:45p. Court reconvenes, witness <i>HAROLD SHULMAN</i>	G
154		~	v	2:49p. Exhibit (subject to mtn in limine)	G
155		~	v	2:51p. Exhibit	G
156		~	'	2:52p. Exhibit	G
158		~	v	2:54p. Exhibit	G
160		~	~	2:56p. Exhibit	G
161		~	~	2:57p. Exhibit	G
162		~	~	2:58p. Exhibit	G
163		~	~	3:00p. Exhibit	G
30, 31, 32		~	~	3:02p. Exhibit	G

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164		~	~	Exhibit	G
165		'	~	3:09p. Exhibit	G
166		•	~	3:13p. Exhibit	G
				3:17p. Government concludes direct examination, defendant begins cross	
				3:29p. Defendant concludes cross, government redirects	
157		•	•	3:30p. Exhibit	G
				3:32p. Government concludes redirect, defendant redirects cross.	
				3:35p. Witness excused, jury recesses until 10/26/2011 @ 9:30 a.m.	
				3:49p. Court recesses from trial proceeds into bail hearing	
	10/26/2011			10/26/2011	
				9:30a. Court reconvenes	
				9:41a. Witness <i>GREGORY ZANOLLI</i> called	G
				9:51a. Government concludes direct examination, defendant begins cross	
				9:59a. Defendant concludes cross, government redirects. Witness excused, witness <i>MARTIN WASHOFSKY</i> called	G
177		~	~	10:08a. Exhibit	G
177A		~	~	10:10a. Exhibit	G
177B		~	~	10:14a. Exhibit	G
				10:17a. Government concludes direct examination, defendant begins cross	
				10:20a. Defendant concludes cross, government redirects	
				10:22a. Government concludes redirect, witness excused. Witness <i>STEVE SEGRICH</i> called	G
239		~	~	10:27a. Exhibit	G
				10:40a. Government concludes direct examination, no cross, witness excused. Witness <i>MICHAEL PETRAS</i> called	G
175		~	'	10:49a. Exhibit	G
				10:55a. Government concludes direct examination. Recess	
				11:13a. Court reconvenes. Defendant begin cross	
				11:23a. Defendant concludes cross witness excused. Witness <i>JAMES OERTEL</i> called	G

29 1	- 24 5	Case 3:10	cr 00	547 C	RB Document 293 Filed 11/09/11 Page 13 of 16 11:30a. Exhibits	G
29, 1 - 24.5 33 - 35			~	~	11:49a. Exhibits	G
					12:00p. Government concludes direct examination. Recess	
					1:15p. Court reconvenes, defendant begins cross	
2494	, 171		_	/	1:28p. Exhibits	G
					1:27p. Witness <i>JOHN SAAVEDRA</i>	
36			_	/	1:34p. Exhibit	G
36A			~		2:25p. Exhibit. Government concludes direct examination, defendant begins cross	
236			~	~	2:32p. Exhibit , defendant concludes cross. Jury recesses until 10/27/2011 @ 9:30 a.m., court proceeds outside the presence of the jury regarding motions	
					3:45p. Court recesses	
		10/27/2011			10/27/2011	
					9:40a. Court reconvenes, witness WILLIAM MEEKER	G
174			~	~	9:45a. Exhibit	G
					10:05a. Government concludes direct examination, defendant begins cross	
					10:10a. Defendant concludes cross; witness excused	
179			~	~	10:11a. Exhibit	G
178,	237		~	~	Exhibit. GOVERNMENT REST. Jury recesses	
					10:12a. D's Rule 29 Motion	
					10:15a. Court recesses	
					10:40a. Court reconvenes, witness <i>DANNY GLOVER</i>	D
	68		~	/	Exhibit	D
					11:49a. Defendant concludes direct examination, government begins cross	
257			~	~	12:03p. Exhibit	G
					12:05p. Government concludes cross, defendant redirects	
					12:06p. Defendant concludes redirect, witness excused. Recess	
					12:10p. Court reconvenes outside the presence of the jury regarding bond issue	
					12:17p. Recess	
					1:20p. Court reconvenes, witness <i>RODGER MCAULAY</i>	D

		Case 3:10	cr 00	547 C I	B Document 293 Filed 11/09/11 Page 14 of 16 2:05p. Jury recesses	
-					2:13p. Court recesses	
					2:22p. Court reconvenes	
	725		~	~	2:31p. Exhibit	D
					2:33p. Defendant concludes direct examination, government begins cross	
258			~		Exhibit	D
					3:00p. Government concludes cross, witness excused. Witness <i>SCOTT RYLES</i> called	D
	726		~	~	3:15p. Exhibit	D
					3:24p. Defendant concludes direct examination, government begins cross	
					3:39p. Government concludes cross, defendant redirects	
					3:41p. Defendant concludes redirect, witness excused	
					3:50p. Jury recesses until 11/7/2011 @ 8:30 a.m.	
					4:00p. Court proceeds outside the presence of the jury regarding bond issues	
		11/7/2011			11/7/2011	
					7:50a. Court reconvenes outside the presence of the jury re mtn to exclude testimony	
					8:45a. Jury enters courtroom, Juror no. 8 excused and alternate juror 1 placed in. Witness <i>WILLIAM BALSON</i>	D
					9:03a. Defendant concludes direct examination, government begins cross	
					9:06a. Government concludes cross, defendant redirects	
					9:07a. Defendant concludes redirect, witness excused. Witness <i>CHRISTOPHER DONOHUE</i> called	D
					9:13a. Defendant concludes direct examination, government begins cross examination	
					9:15a. Government concludes cross, witness excused. Jury recesses. <i>Thomas Lawson</i> sworn outside the presence of the jury	
					9:30a. Court recesses	
					10:00a. Court reconvenes witness <i>THOMAS LAWSON</i> called	D
750 t	750 thru 761		~	•	Exhibits	D
					10:50a. Defendant concludes direct examination; government begins cross	

750A		V V	10:51a. Exhibit	G
			11:01a. Government concludes cross, defendant redirects	
			11:03a. Defendant concludes redirect, witness excused. Defendant REST	
			11:05a. Jury recesses until 8:30 a.m. on 11/8/2011	
			11:28a. Court recesses until 2:00 p.m. on 11/7/2011	
			2:00p. Court reconvenes regarding jury instructions	
			3:45p. Court recesses until 8:15 a.m. on 11/8/2011	
	11/08/2011		11/08/2011	
			8:15a. Court reconvenes outside the presence of the jury and the defendant	
			8:25a. Defendant present	
			8:30a. Court recesses	
			8:45a. Court reconvenes, juror no. 5 excused and alternate juror 2 placed in. Court instructs the jury	
			9:06a. Government begins closing argument	
			10:40a. Court recesses	
			10:55a. Court reconvenes, government resumes closing	
			11:55a. Government concludes closing, court recesses	
			12:45p. Court reconvenes, defendant begins closing argument	
			2:10p. Jury recesses	
			2:20p. Court recesses	
			2:30p. Court reconvenes	
			2::35p. Jury recesses	
			2:40p. Court recesses	
			3:50p. Court reconvenes	
			4:00p. Defendant concludes closing, court recesses until 8:30 a.m. on 11/9/2011	
	11/9/2011		11/9/2011	
			8:30a. Court reconvenes, government begins rebuttal	
			9:29a. Government concludes rebuttal, Court instructs the jury	
			10:20a. Jury begins deliberations	
			12:00p. Jury recesses	

Case 3:10	cr 00547 CF	RB Document 293 Filed 11/09/11 Page 16 of 16 12:30p. Jury resumes deliberations
		4:12p. Jury note
		4:17p. Court reconvenes jury note
		4:33p. Court recesses
		5:20p. Verdict
		5:25p. Court reconvenes
		5:28p. Jury enters courtroom
		5:32p. Jury polled, Verdict entered
		5:40p. Jury excused
		6:02p. Defendant remanded to custody, court recesses